



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 NORTH STREET, HARRISBURG, PA 17120

IN REPLY PLEASE
REFER TO OUR FILE

August 21, 2024

Docket No. P-2024-3050185
Utility Code 210885

ROBERT SMITH PE
EVITTS CREEK WATER COMPANY
57 NORTH LIBERTY STREET
CUMBERLAND MD 21502
ROBERT.SMITH@CUMBERLANDMD.GOV

RE: Petition of Evitts Creek Water Company for Approval of its Lead Service Line
Replacement Program at Docket No. P-2024-3050185

Dear Robert Smith:

On July 19, 2024, Evitts Creek Water Company (Evitts Creek) filed the above-captioned document (LSLR Program) with the Pennsylvania Public Utility Commission (Commission). For the Commission to complete its analysis of the filing, please respond with the information requested in the attached document.

Please forward the information to the Secretary of the Commission at the address listed below **within ten (10) business days** from the date of this letter. All documents requiring notary stamps must have original signatures. The Commission strongly encourages submission through efilng with the Secretary of the Commission by opening an efilng account through the Commission website and accepting eservice at <https://efiling.puc.pa.gov>. The Commission is accepting all public documents through our efilng system at this time.

If your filing contains confidential material, you are required to either file by overnight delivery or submit to the Secretary's Share Point File system to ensure the timely filing of your submission. Filers should contact the Secretary's Bureau in advance to gain access to the Share Point File system. Make sure to reference the Docket Number listed above when filing your response. The overnight address for hard-copy or confidential responses is:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Please note your answers must be verified per 52 Pa. Code § 1.36. Accordingly, you must provide the following statement with your responses:

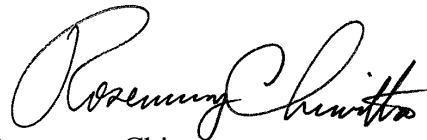
I, [print name of appropriate company representative], hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Signature _____
Title _____
Date _____

Please contact the below staff person if any problems should arise that prevent a full response within ten business days or if any clarification of these data requests is needed. Please mark the materials “CONFIDENTIAL” in bold or highlighted manner if any of the requested information is deemed to be of a confidential nature.

In addition, to expedite completion of the review, please send a copy of the response to Matthew T. Lamb, P.E. in the Water/Wastewater Section of the Bureau of Technical Utility Services via e-mail at mlamb@pa.gov. Please also direct any questions to Matthew Lamb at telephone number (717) 783-1001. Thank you in advance for your cooperation.

Sincerely,



Rosemary Chiavetta
Secretary

Enclosure: TUS Data Request Set 1

cc: Patrick Cicero, Office of Consumer Advocate (w/enclosure), ra-oca@paoca.org
Christine Hoover, Office of Consumer Advocate (w/enclosure), choover@paoca.org
NazAarah Sabree, Office of Small Business Advocate (w/enclosure), ra-sba@pa.gov
Rebecca Lyttle, Office of Small Business Advocate (w/enclosure), relyttle@pa.gov
Allison Kaster, Bureau of Investigation & Enforcement (w/enclosure), akaster@pa.gov

TUS Data Request Set 1

Petition of Evitts Creek Water Company for Approval of its Lead Service Line Replacement Program at Docket No. P-2024-3050185

Note: Please restate the data request prior to providing a response. In addition, provide the name and title of the person(s) providing the response and/or information for each data request.

- P-1. Appendix 3 of Evitts Creek’s Petition for a Lead Service Line Replacement Program (LSLR Program) included a copy of its Lead Service Line Replacement Plan (LSLR Plan). The LSLR Plan’s Appendix 7 included a copy of Evitts Creek’s service line inventory (SLI). 52 Pa. Code §§ 65.56(a)(1) requires that an entity’s LSLR Plan include a service line inventory that complies with United States Environmental Protection Agency (EPA) regulations at 40 CFR §§ 141.1—143.20 (EPA Regulations). EPA Regulations require each service line to be categorized as “Lead”, “Galvanized Requiring Replacement” (GRR), “Non-lead”, or “Lead Status Unknown”. Evitts Creek’s SLI identified three galvanized customer-owned service lines without categorizing those service lines as GRR. Pursuant 52 Pa. Code § 65.56(a)(4), an entity shall identify assumptions in its service line inventory to the Commission. Please provide responses to the following:
- a. Clarify whether Evitts Creek for the purposes of its SLI will be assuming that all galvanized customer-owned service lines may at some point have been downstream of a lead service line;
 - b. Submit a revised SLI that complies with EPA regulations at 40 CFR §§ 141.1—143.20. Also, please note that DEP recommends the use of DEP’s Service Line Inventory Form Excel Template 3930-FM-BSDW0042A to meet inventory requirements, available at <https://www.dep.pa.gov/Business/Water/BureauSafeDrinkingWater/DrinkingWaterMgmt/Regulations/Pages/Lead-and-Copper-Rule.aspx>; and
 - c. Submit a copy of Evitts Creek’s SLI in a live electronic spreadsheet format.
- P-2. The LSLR Plan’s Planning and Replacements Section did not provide Evitts Creek’s projected annual investment in LSLRs (e.g., an annual value, in dollars) with an explanation of Evitts Creek’s anticipated sources of financing (e.g., debt, equity, internally generated funds, etc.). Specifically, Evitts Creek’s response to (b)(1) appears to present a plan to replace the three customer-owned galvanized service lines as part of a directed effort within a defined span of time. Please submit a revised LSLR Plan response for 52 Pa. Code § 65.56(b)(1) that provides Evitts Creek’s projected annual or one-time investment in LSLRs with an explanation of Evitts Creek’s anticipated sources of financing.
- P-3. The LSLR Plan’s Planning and Replacements Section did not provide Evitts Creek’s projected number of LSLRs per calendar year with an explanation of how the projection was determined and a statement that this number is consistent with Evitts Creek’s annual cap on LSLRs. Evitts Creek indicated that it intends to replace three service lines upon approval of the tariff supplement without a specific time frame (e.g., within twelve

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months of Commission approval). Please submit a revised LSLR Plan response for 52 Pa. Code § 65.56(b)(2) that provides Evitts Creek's projected number of LSLRs per calendar year with an explanation of how the projection was determined (e.g., 3 LSLRs in first calendar year and zero annual replacements thereafter) and a statement that this number is consistent with Evitts Creek's annual cap on LSLRs.

- P-4. The LSLR Plan's Planning and Replacements Section indicated that if a lead service line (LSL) is not replaced within one year and the property owner denies access to the property, the service will be disconnected until the owner provides proof that it has been replaced by a third party at their cost. However, the LSLR Program's Appendix 1 included a copy of the Pro Forma LSLR Program Tariff Supplement (Pro Forma Tariff) that does not appear to allow Evitts Creek to terminate service to a customer solely on the basis of a LSL not being replaced within one year of identification and the property owner denying access to the property. Conversely, the Pro Forma Tariff appears to require Evitts Creek to offer to replace customer-owned LSLs at its cost in certain emergencies and to proceed with termination of service to locations being served by a partial LSLR. Please submit revised LSLR Plan responses as follows:
- a. For 52 Pa. Code § 65.56(b)(4), provide a revised explanation of Evitts Creek's processes and procedures to address emergency repairs or replacements which reveal LSLs. For example, Evitts Creek's response may indicate that Evitts Creek will offer to replace customer-owned LSLs at no direct cost to the customer or property owner in emergencies pursuant to Section 5 of its LSLR Program, and will proceed with immediate termination of water service to a location being served by a partial LSLR pursuant to Section 8 of its LSLR Program.
 - b. For 52 Pa. Code § 65.56(b)(5), provide revised processes and procedures to obtain acceptance of a LSLR prior to LSLR project commencement if the customer is the property owner, and the entity's processes and procedures to obtain acceptance prior to LSLR project commencement if the customer is not the property owner. For example, Evitts Creek's response may indicate that Evitts Creek will offer to replace customer-owned LSLs pursuant to Section 5 of its LSLR Program and the procedures discussed in its LSLR Plan.
 - c. For 52 Pa. Code § 65.56(b)(6)(ii), provide a revised brief description of Evitts Creek's process for LSLRs under normal conditions and under atypical conditions. For example, Evitts Creek's response may indicate that Evitts Creek will offer to replace customer-owned LSLs pursuant to Section 5 of its LSLR Program and the procedures discussed in its LSLR Plan.
- P-5. Several Evitts Creek LSLR Plan responses and appendices appear to propose terms or conditions of service that conflict with Evitts Creek's Pro Forma Tariff. For each of the following LSLR Plan responses, please submit revised responses to remove referenced terms or conditions of service, or specify the Pro Forma Tariff language that permits the referenced terms or conditions of service and explain why each proposed term or

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condition is reasonable. The Commission notes that the LSLR Plan needs to match the terms or conditions of service detailed in the Pro Forma Tariff:

- a. In Evitts Creek's responses to 52 Pa. Code § 65.56(b)(4), (5), and (6)(ii), Evitts Creek indicated that if a LSL is not replaced within one year and the property owner denies access to the property, the service will be disconnected until the owner provides proof that it has been replaced by a third party at their cost. Please review Sections 6 and 8 of Evitts Creek's Pro Forma Tariff regarding termination of service.
 - b. In Evitts Creeks response to 52 Pa. Code § 65.56(b)(6)(iii), Evitts Creek indicated that the City will provide 3 business days' notice if it is the one to replace the LSL. Please review Section 5 of Evitts Creek's Pro Forma Tariff regarding LSL Replacements.
 - c. In Evitts Creeks response to 52 Pa. Code § 65.56(b)(10), Evitts Creek referenced the Petition's Appendix 9, which includes numerous terms and conditions. Please review Sections 6 and 9 of Evitts Creek's Pro Forma Tariff regarding Customer Refusal and Reimbursement.
- P-6. The LSLR Plan's Appendix 9 included a copy of the Company LSLR Refusal and Non-Acceptance Procedure (Refusal Procedure). The Refusal Procedure Sections 3 and 4 appear to detail a reimbursement cap of \$50 per lineal foot of service line and includes numerous requirements regarding a customer's ability to seek reimbursement. However, these provisions do not appear to comply with 52 Pa. Code § 65.58(d). Further, Pro Forma Tariff, Part V, (9) Reimbursement, indicates that a customer or property owner, if the customer is not the property owner, located within a LSLR Project Area is eligible for a reimbursement of LSLR expenses up to 125% of the average cost the Company would have incurred to perform the replacement of a similarly-sized service line, not to exceed the actual cost to the customer or property owner. Please submit a revised LSLR Plan and appendices that removes any fixed amount for reimbursement and conforms to the terms in the Pro Forma Tariff and Commission regulations.
- P-7. The LSLR Plan's Appendix 10, LSLR Program Print and Broadcast Materials, provided a link to a Service Line Survey (Survey) on the City of Cumberland Maryland's website that requires Evitts Creek's customers to sign up for an email service with a third-party provider, <https://www.gmail.com>, in order to participate. Additionally, the screenshot of the Survey appears to only provide an option to select Cumberland, Maryland, and 21502 for the City, State, and Zip Code, respectively. Please provide revised LSLR Plan Appendix 10 that includes a Survey and other communication materials specifically for Evitts Creek's customers, or indicate that Evitts Creek will not be providing this survey service to its customers along with removing the associated communication materials.